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Attorney Docket No. VIDS-005/00US (New)  
000668.00002 (Old)

PATENT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Live application of Roger BOOKER *et al.*

Serial No.: 09/864,090

Examiner:

Filed: May 23, 2001

Art Unit: 2152

Confirmation No. 1810

For: **VIDEO FILE TRANSFER NETWORK**

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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### **PETITION FOR REVIVAL OF A PATENT APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

The above-identified application became abandoned for failure to respond to the Restriction Requirement dated July 29, 2004 (the response being due August 29, 2004, extendable five months to January 29, 2005). The date of abandonment is the day after the expiration of the time period for response to the Restriction Requirement.

The Applicants hereby petition for revival of this application. The entire delay in responding to the Restriction Requirement by its specified due date until the filing of this grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. The petition fee of \$750.00 under 37 C.F.R. § 1.17(m) is enclosed.

The Applicants note the Interview Summary dated December 9, 2004 referenced a conversation on December 7, 2004 between the Examiner and registered practitioner Brad Wright, and a conversation on December 9, 2004 between the Examiner and an unnamed sales representative of TalkPoint Communications (hereafter "TalkPoint"). In the Interview Summary, the Examiner states that Mr. Wright indicated that TalkPoint "filed [for] bankruptcy," and that the unnamed sales representative spoke with the TalkPoint CEO and indicated that "this case was not being pursued [sic] anymore." On

information and belief, the Applicants believe that TalkPoint was the owner of record of the patent application and in bankruptcy at that time.

That said, the Applicants believe that the conversations between the Examiner and TalkPoint failed to establish intentional abandonment of the patent application. In particular, Mr. Wright was no longer attorney of record pursuant to the Decision on Request for Withdrawal as Attorney, dated October 23, 2003. Also, the purported conversation between the unnamed sales representative and the CEO lacks clarity and reliability. Furthermore, Applicants believe that the CEO lacked the authority to abandon the application given the fact that TalkPoint was in bankruptcy. Applicants believe that such authority resided with the bankruptcy judge or trustee. In sum, the Applicants believe that the Interview Summary fails to establish that the true owner or representative with authority intentionally abandoned the patent application. Consequently, the Applicants believe that this Petition for Revival of a Patent Application Abandoned Unintentionally is proper.

Pursuant to 37 C.F.R. § 1.137(c), a reply to the outstanding Office Action is met by the filing herewith of a Response to the Restriction Requirement and Amendment. A check in the amount of \$750.00 to cover the petition fees is also enclosed.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, 1.21, and 1.492 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: April 26, 2006

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Respectfully submitted,  
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By:



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